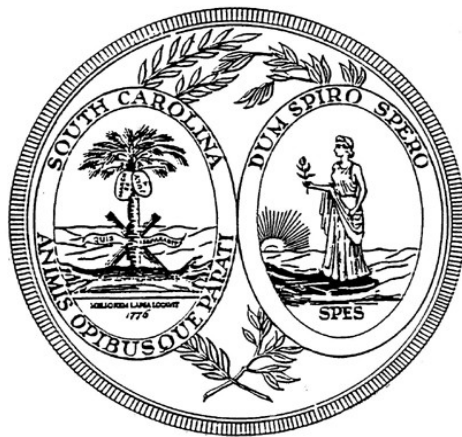


**SOUTH CAROLINA
SENATE JUDICIARY COMMITTEE
CRIMINAL JUSTICE SYSTEM
TASK FORCE**

REPORT



January 23, 2007

Task Force Members:

Senator Gerald Malloy, Chairman
Senator Robert Ford
Senator Luke Rankin
Senator Jake Knotts
Senator Ray Cleary

Criminal Defense Issues:

Issue: South Carolina's public defender system has significant disparity from South Carolina's Solicitor system in organization, compensation, benefits, support, and workload. The public defender system is not unified statewide; but instead, is set up on a county-by-county basis, with little or no statewide coordination, other than from the South Carolina Commission on Indigent Defense ("Indigent Defense Commission"). As a result, public defenders are not on par with their Solicitor counterparts when it comes to job benefits and when it comes to resources to adequately defend citizens of this State. As a result, the criminal justice system either becomes backlogged because public defenders cannot match the Solicitor case load or the public defenders and Solicitors are forced to plea bargain to avoid overcrowding the jails for significant periods of time. Death penalty cases highlight a significant area of criminal defense in which public defenders face considerable disparity from Solicitors. Solicitors are often well trained to handle death penalty cases and have sufficient resources to prosecute such cases. On the other hand, public defenders are often less experienced when it comes to capital cases and have very limited resources. Adequately defending a person at trial in a death penalty case is often cost prohibitive.

Recommendation: The South Carolina General Assembly should enact legislation to establish a statewide-unified public defender system with appropriate funding. This will lead to more equitable management of cases, less turnover among the public defenders and their associates, and speedier justice for everyone. The Indigent Defense Commission is currently working on proposed legislation regarding a statewide-unified public defender system and will be submitting the proposed legislation to the Task Force for consideration. As part of the statewide-unified public defender system, the Commission should incorporate establishing a division to specifically handle death penalty cases. This division should be made up of competent lawyers with significant experience in handling death penalty cases.